

388  
BILL NO. Z-89- 01-20

ZONING MAP ORDINANCE NO. Z- Lish

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. M-38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a RA (Suburban Residential) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

Commencing at the Northeast corner of the Southwest  
Quarter of Section 14, Township 31 North, Range 12  
East, Allen County, Indiana; thence West along the  
North line of the SW 1/4 of Sec. 14-31-12, a distance  
of 70.0 feet; thence South with a deflection angle to  
the left of 90 degr. 13 min. 40 sec. and parallel to  
the East line of the SW 1/4 of Sec. 14-31-12, a distance  
of 1662.64 feet to the true point of beginning; thence  
continuing South along the aforesaid line, a distance  
of 477.43 feet to a point being 20.0 feet Northwesterly  
of the Northwesterly right-of-way line of Interstate  
Highway #69; thence Southwesterly with a deflection  
angle to the right of 60 degr. 51 min. 50 sec. parallel  
to and 20.0 feet Northwesterly of said right-of-way  
line, a distance of 695.16 feet to a point on the East  
line of Lot Numbered 122 in Rodenbeck's 7th Addition,  
as recorded in the plat thereof in the Office of the  
Recorder of Allen County, Indiana; thence North with a  
deflection angle to the right of 119 degr. 10 min. 20  
sec. along the East line of Lots #122, #121, #120 and  
#119 in Rodenbeck's 7th Addition, and along said East  
line extended North, a distance of 435.3 feet to a  
point on the North right-of-way of Wolverton Drive;  
thence West with a deflection angle to the left 89  
degr. 47 min. 30 sec. along said right-of-way line, a  
distance of 140.0 feet to a point on the East right-of-  
way line of Rodenbeck Drive; thence North with a  
deflection angle to the right of 89 degr. 47 min. 30  
sec. along said East right-of-way line, a distance of  
380.0 feet; thence East with a deflection angle to the  
right of 89 degr. 57 min. 50 sec., a distance of 746.68  
feet to the point of beginning, containing 10.23 acres,  
subject to easements.

and the symbols of the City of Fort Wayne Zoning Map No. M-  
38, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.



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SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

Janet G. Bradbury  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay  
J. TIMOTHY MCCAULAY, CITY ATTORNEY



Read the first time in full and on motion by Bradbury, seconded by Stu, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 1-24-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stu, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>		<u>9</u>		
<u>BRADBURY</u>		<u>✓</u>		
<u>BURNS</u>		<u>✓</u>		
<u>GIAQUINTA</u>		<u>✓</u>		
<u>HENRY</u>		<u>✓</u>		
<u>LONG</u>		<u>✓</u>		
<u>REDD</u>		<u>✓</u>		
<u>SCHMIDT</u>		<u>✓</u>		
<u>STIER</u>		<u>✓</u>		
<u>TALARICO</u>		<u>✓</u>		

DATED: 2-28-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ATTEST

SEAL

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
PAUL HELMKE, MAYOR

RECEIPT

No 2848

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 12-22 1988

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

350.00

DOLLARS

100

AUTHORIZED SIGNATURE



PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We WILMER RODENBECK & LAVERNE LINNEMEIER  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/~~an~~ R1 RESIDENTIAL District to a/~~an~~ RA RESIDENTIAL District the property described as follows:

SEE ATTACHED LEGAL DESCRIPTION AND SITE PLAN

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>WILMER RODENBECK</u>	<u>4723 KROEMER ROAD</u>	<u>X <i>Wilmer Rodenbeck</i></u>
	<u>FORT WAYNE, IN</u>	
<u>LAVERNE LINNEMEIER</u>	<u>10109 BETHEL ROAD</u>	<u>X <i>Laverne Linnemeier</i></u>
	<u>FORT WAYNE, IN</u>	
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

<u>SUMMIT LAND INVESTMENTS, INC.</u>	<u>1120 VALLEY-O-PINE</u>	
<u>LEROY LEPLY</u>	<u>FORT WAYNE, IN 46845</u>	<u>219/627-6200</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



LEGAL DESCRIPTION SECTION 1

Commencing at the Northeast corner of the Southwest Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana; thence West along the North line of the SW $\frac{1}{4}$  of Sec. 14-31-12, a distance of 70.0 feet; thence South with a deflection angle to the left of 90 degr. 13 min. 40 sec. and parallel to the East line of the SW $\frac{1}{4}$  of Sec. 14-31-12, a distance of 1662.64 feet to the true point of beginning; thence continuing South along the aforesaid line, a distance of 477.43 feet to a point being 20.0 feet Northwesterly of the Northwesterly right-of-way line of Interstate Highway #69; thence Southwesterly with a deflection angle to the right of 60 degr. 51 min. 50 sec. parallel to and 20.0 feet Northwesterly of said right-of-way line, a distance of 695.16 feet to a point on the East line of Lot Numbered 122 in Rodenbeck's 7th Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence North with a deflection angle to the right of 119 degr. 10 min. 20 sec. along the East line of Lots #122, #121, #120 and #119 in Rodenbeck's 7th Addition, and along said East line extended North, a distance of 435.3 feet to a point on the North right-of-way line of Wolverton Drive; thence West with a deflection angle to the left of 89 degr. 47 min. 30 sec. along said right-of-way line, a distance of 140.0 feet to a point on the East right-of-way line of Rodenbeck Drive; thence North with a deflection angle to the right of 89 degr. 47 min. 30 sec. along said East right-of-way line, a distance of 380.0 feet; thence East with a deflection angle to the right of 89 degr. 57 min. 50 sec., a distance of 746.68 feet to the point of beginning, containing 10.23 acres, subject to easements.

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WOLVERTON DR.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 24, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-89-01-20; and

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 23, 1989.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

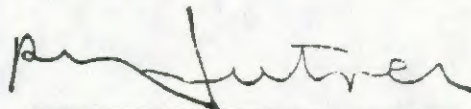
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 30, 1989.

Certified and signed this  
31st day of January 1989.



Robert Hutner  
Secretary



#382

ORIGINAL

ORIGINAL

**DIGEST SHEET**

**TITLE OF ORDINANCE** Zoning Ordinance Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE** 10.23 acres, more or less, approximately the 6000 Block  
of Rodenbeck Drive.

2-89-01-20

**EFFECT OF PASSAGE** Property is presently zoned R-1 - Single Family Residential.  
Property will become RA - Suburban Residential.

**EFFECT OF NON-PASSAGE** Property will remain R-1 - Single Family Residential.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE (J.N.))** \_\_\_\_\_



**FACT SHEET**

Z-89-01-20

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

**APPROVAL DEADLINE****REASON**

From R-1 to R-A

**DETAILS****Specific Location and/or Address**Approximately the 6000 Block of  
Rodenbeck Drive**Reason for Project**

Subdivision for duplex development.

**Discussion (Including relationship to other Council actions)**23 January 1989 - Public Hearing

See Attached Minutes of Meeting

30 January 30, 1989 - Business MeetingMotion was made and seconded to  
return the ordinance to the Common  
Council with a DO NOT PASS recommendation.Of the nine (9) members present seven  
(7) voted in favor of the motion, one (1)  
abstained, one (1) did not vote.

Motion carried.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**  
Wilmer Rodenbeck &  
Laverne Linnemeier  
City Department

Other

**Opponents****Groups or Individuals**  
Bill Swisher, Pres/Ludwig Pk  
Nancy Kloha, 816 Ludwig Park<sup>Assn</sup>  
**Basis of Opposition**  
-increase traffic congestion;  
-not compatible with existing  
development in area**Staff  
Recommendation**☐ For ☒ Against**Reason Against**  
-approval would not be com-  
patible with existing char-  
acter of the immediate  
vicinity**Board or  
Commission  
Recommendation**

By

☐ For ☒ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other  
☐ Pass (as  
amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



**DETAILS**

**POLICY / PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 22 December 1988

**Projected Completion or Occupancy**

**Date** 31 January 1989

**Fact Sheet Prepared by**

Patricia Biancaniello

**Reviewed by**

*[Signature]*

**Date**

*Feb 2, 1989*

**Reference or Case Number**



- a. Change of Zone #382  
From R-1 to RA  
Approximately the 6000 Block of Rodenbeck Drive

Primary Subdivision Plat for "Stonefield Sec. I & II"

LeRoy Lepley, the petitioner stated that they are requesting the rezoning so that the property in question can be used for duplexes.

Doug McComb, Project Engineer, stated that they have revised the drawings to reflect a subdivision that they feel meets the requirements of an R-1 zoning and also they are proposing a development for an RA zoning with lots and streets that meet those requirements. He stated that from previous submittals to the Commission and from previous discussions on this property with staff and the Commission they feel that the city has the capability to supply the area with water and sewer service. He stated that they have a proposed retention area on the site on the south end of the property.

Steve Smith stated that one of the comments of staff recommends that the minimum lot area be required to be 6,000 sq ft in the R-1 section. Would any lots have to be eliminated in order to meet that requirement.

Mr. McComb stated that all of the proposed lots meet the 6,000 sq ft area requirement.

Steve Smith pointed out also that the Parks & Recreation Department recommended that the approval be denied because there is no open space or recreational facilities. He questioned if they had any intentions of amending the site plan to accommodate such facilities.

Mr. McComb stated that it has been discussed but the only green area they have left is on the south end of the project and that is being used for storm retention. He stated in no way do they consider that a play area. He stated that if that is a requirement they do have a piece at the northeast corner of the property, that is not a part of this development, that has been proposed for a future development as a professional office area that they might consider for such use.

Janet Bradbury stated that the airport authority has stated that high density residential is highly undesirable. She stated that is based on the present use of the area as well as this projected use.

Doug McComb stated that if that is a concern it is something they will have to address. He stated they have kept the buildings out of the flight path.

Janet Bradbury stated that they try to work in the best interest



of the community to use land to its highest and best use. She stated at the same time they must look at how they are already using land and there is a considerable investment in the airport. She stated that if they encourage and allow more development around the airport it means that if there is going to be any growth at all for the airport and they have allowed the area to build up to where they cannot expand, they would have to move the airport. She stated that is a very expensive proposition. LeRoy Lepley stated that the city has already enclosed the airport with the industrial park to the north of the airport and the school on the east side of the airport. He stated he did not see where they could expand the airport. He stated this development would not inhibit the expansion of any runway.

Mark Gensic questioned if Rodenbeck Drive intersected Washington Center Road.

LeRoy Lepley stated it did not.

Mark Gensic questioned if it were part of the proposal to connect Rodenbeck Drive to Washington Center Road.

Mr. Lepley stated that it was not they did not own the property adjacent to Washington Center Road.

Mark Gensic questioned if they intended to make road improvements from Wolverton so that there is a southerly outlet from the subdivision to Washington Center Road.

Mr. Lepley stated that they are not.

Mr. Gensic stated then that the way he understood then all of the traffic would have to outlet to the north onto Ludwig Road.

Doug McComb stated the traffic would exit from Wolverton Drive and it is going to exit onto Ludwig.

The following people spoke in opposition to the proposed rezoning and primary development plan citing that:

- the development would add to the already serious traffic congestion in the area
- the high density of the area does not blend in with the character of the area as presently developed
- this would add to the water runoff problems in the area
- this development is not of the same price range as the existing homes and would help to devalue the existing properties

Nancy Kloha, 816 Ludwig Park Drive  
Resident, 6407 Sharon Drive

Bill Swisher, 904 Pelham Drive, President of Ludwig Park Assn  
Dan Schwartz, 907 Wolverton Dr  
Tom Herbst, 709 Ludwig Park Dr  
Luveda Smith, 927 Ludwig Park Dr



Robert Ohm, 937 Woverton Dr  
Forrest Anderson, 824 Ludwig Park Dr

In rebuttal Mr. Lepley stated that the traffic onto Ludwig Drive - Ludwig Drive is the only fully improved street in the Ludwig Park Association with curbs, gutters and the proper width, so it would be natural to tie into this street. He stated that as to how much traffic will go onto Woverton Drive they do not know. He stated it would probably split 50-50 through the subdivision. He stated that more than likely more will go to Ludwig Road than to Woverton because of the construction that will be going on at Washington Center Road. He stated that they will have to address the need for a recreational area with the Park Board.

Steve Smith questioned why the density is so high in the development and why they do not develop the lots in consistency with the rest of Ludwig Park.

Mr. Lepley stated that at the time Ludwig Park was developed it was in the county and land at that time was fairly cheap and easily developed, therefore they have bigger lots which allows for less density. He stated that to develop that size of lots today is not feasible. He stated that they are in compliance with the lot size as required by the City.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and primary development plan.



BILL NO. Z-89-01-20

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. M-38

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) Do Not Pass

YES

NO

Janet G. Bradbury  
JANET G. BRADBURY  
CHAIRPERSON  
David C. Long  
DAVID C. LONG  
VICE CHAIRMAN  
James S. Stier  
JAMES S. STIER

Donald J. Schmidt  
DONALD J. SCHMIDT  
Samuel J. Talarico  
SAMUEL J. TALARICO

CONCURRED IN

2-28-89.

Sandra E. Kennedy  
Sandra E. Kennedy  
City Clerk

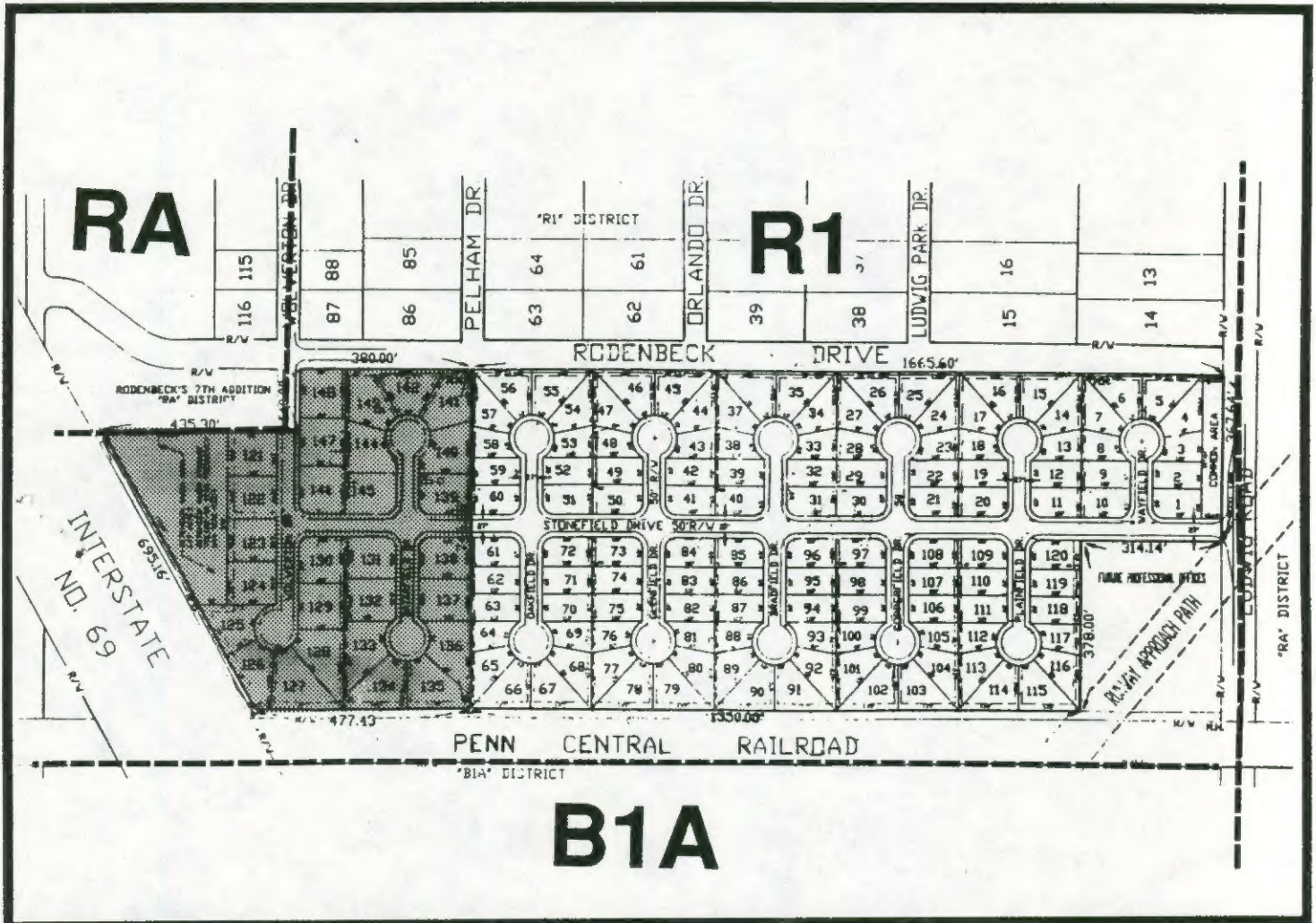


# REZONING PETITION #382

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A RA DISTRICT.

MAP NO. M-38

COUNCILMANIC DISTRICT NO. 3



## ZONING:

R1 RESIDENTIAL DISTRICT

B1A LIMITED BUSINESS "A"

RA RESIDENCE "A"

## LAND USE:



SINGLE FAMILY



COMMERCIAL

SCALE: NTS

DATE: 1-5-89

